

Remarks

At present Claims 1, 3, 6, 43, and 52 are rejected under 35 U.S.C. §102(e) as being anticipated by a patent issued to Smith et al. (USPN 6,319,438). Reconsideration of this rejection is requested.

Attached is an affidavit under 37 C.F.R. 1.131 factually establishing a reduction to practice of the claimed subject matter prior to the effective 102(e) date of October 13, 1999 by Applicants in the United States of America. In view of the claim to priority date associated with provisional application 60/197,275 of April 14, 2000 and the less than one year from the effective publication date of the cited reference in combination with the reference disclosing but not claiming the instant subject matter of all claims, it is felt that there is a basis for the withdrawal of the rejection. Such action is respectfully requested.

Respectfully submitted,



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